

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 4631 OF 2013
IN
FIRST APPEAL (ST.) NO. 29910 OF 2013**

Sher Banu Gulam Nabi Shaikh and others	...	Applicants
V/s.		
Ayeshabai Gulam Husain Shaikh and anr.	...	Respondents

Mr.Nitin G. Raut, Advocate for Applicants.
Ms.Shashikala Mahamuni i/b. Mr.M.S.Kadu, Advocate for Respondent
Nos. 1 to 5.

**CORAM : K. K. TATED, J.
DATED : 11th OCTOBER, 2019**

P.C.:

1. Heard Learned Counsel for the parties.
2. By this Civil Application applicants are seeking 415 days delay in filing First Appeal challenging the Judgment and Decree dated 26th July, 2012 passed by Bombay City Civil Court At Bombay in S.C. Suit No. 300 of 2011.
3. The Learned Counsel for the applicants submit that, the applicants had no knowledge that they can file First Appeal challenging impugned order dated 26/07/2012. He further submits that, no one explain them that they can file the First Appeal challenging the

judgment and decree passed by the Trial Court. Hence, the delay in filing the First Appeal. In support of his contention, the learned counsel for the applicants relies on paras 3, 5 & 6 of the Civil Application. He submits that, in the interest of justice this Hon'ble Court be pleased to condone the delay in filing the First Appeal. He submits that, if the delay is not condone irreparable loss will cause to the applicants.

4. On the other hand, the learned counsel Ms. Shashikala Mahamuni appearing on behalf of respondents vehemently opposed the present Civil Application. She submits that, the applicants failed to disclose the sufficient cause for condonation of inordinate delay of 415 days. Hence, there is no substance in the present Civil Application and same is required to be dismissed with costs.

5. I have heard both sides at length. In the present proceedings the impugned judgment is dated 26th July, 2012 and the applicant immediately filed the application for certified copies on 13/08/2012. Certified copy was ready on 17/08/2012. First Appeal filed on 19/10/2013. There is no explanation as to why the applicant took so much time to file the First Appeal before this Court. For want of knowledge about the filing of First Appeal cannot be a ground of condonation of inordinate delay of 415 days. Hence, I do not find any

substance in the present Civil Application for condonation of delay in filing the Civil Application. Hence, following order.

ORDER

Civil Application stands rejected.

(K.K.TATED, J.)